

7A Am. Jur. 2d Automobiles § 187

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Automobiles and Highway Traffic

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IV. Equipment, Weight, and Size of Vehicles

A. Equipment, Weight, and Size of Vehicles, in General

§ 187. Effect of federal motor vehicle safety standards on state or local law

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Automobiles](#)  5(1), 5(2), 6, 7, 9, 11, 115

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[Admissibility in evidence, on issue of negligence, of codes or standards of safety issued or sponsored by governmental body or by voluntary association, 58 A.L.R.3d 148](#)

[Federal pre-emption of state common-law products liability claims pertaining to motor vehicles, 97 A.L.R. Fed. 853](#)

When a motor vehicle safety standard is in effect under the Federal Motor Vehicle Safety Act (Act), a state or political subdivision of a state may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to that prescribed under the Act.¹ Thus, as a rule, state regulations that are not identical to federal safety standards applicable to the same aspect of motor vehicle and motor vehicle equipment performance are preempted by the federal standards.² However, a lack of express preemption by the Act can be interpreted to permit certain claims under state law to proceed,³ although courts have sometimes found implied preemption under the Act.⁴ In particular, in view of a provision of the Act stating that various sections thereof do not establish or affect warranty obligations under state law, and that a remedy under those sections is in addition to other rights and remedies under state laws,⁵ it has been said that Congress did not intend for the Act to completely preempt state law causes of action relating to motor vehicle defects.⁶

Compliance with a motor vehicle safety standard prescribed under the Act does not exempt one from common-law liability,⁷ although there is authority for the view that a common-law liability claim is not preserved to the extent that it involves a direct conflict with a federal safety standard.⁸ Proof of such compliance may be admitted as evidence that a vehicle is not defective, but is not conclusive and does not provide a complete defense to a state law claim.⁹

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Footnotes

- 1 49 U.S.C.A. § 30103(b) (adding, however, that a state or political subdivision thereof may prescribe a standard for a motor vehicle or motor vehicle equipment obtained for its own use that imposes a higher performance requirement than that required by the otherwise applicable standard under the Act).
- 2 *Chlorine Institute, Inc. v. California Highway Patrol*, 29 F.3d 495 (9th Cir. 1994); *Colorado Public Utilities Com'n v. Harmon*, 951 F.2d 1571 (10th Cir. 1991); *City of Bremerton v. Spears*, 134 Wash. 2d 141, 949 P.2d 347 (1998).
- 3 *Buzzard v. Roadrunner Trucking, Inc.*, 966 F.2d 777 (3d Cir. 1992); *Myrick v. Freuhauf Corp.*, 13 F.3d 1516 (11th Cir. 1994), judgment *aff'd*, 514 U.S. 280, 115 S. Ct. 1483, 131 L. Ed. 2d 385 (1995); *Wohl v. Spalding & Evenflo Companies, Inc.*, 136 Or. App. 503, 901 P.2d 929 (1995).
- 4 *Montag by Montag v. Honda Motor Co., Ltd.*, 75 F.3d 1414, 43 Fed. R. Evid. Serv. 1065 (10th Cir. 1996); *Taylor v. General Motors Corp.*, 875 F.2d 816 (11th Cir. 1989).
The combined effect of the Act's express preemption clause, defining the preemptive reach of the Act, and the Act's savings clauses did not bar the workings of implied preemption principles, and thus did not bar conflict preemption of claims seeking the judicial recall of automobile tires based on state law. *In re Bridgestone/Firestone, Inc. Tires Products Liability Litigation*, 153 F. Supp. 2d 935 (S.D. Ind. 2001).
- 5 49 U.S.C.A. § 30115(d).
- 6 *Farkas v. Bridgestone/Firestone, Inc.*, 113 F. Supp. 2d 1107 (W.D. Ky. 2000).
- 7 49 U.S.C.A. § 30103(e).
- 8 *Boyle v. Chrysler Corp.*, 177 Wis. 2d 207, 501 N.W.2d 865 (Ct. App. 1993).
- 9 *Contini v. Hyundai Motor Co.*, 840 F. Supp. 22 (S.D. N.Y. 1993); *General Motors Corp. v. Edwards*, 482 So. 2d 1176 (Ala. 1985).

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